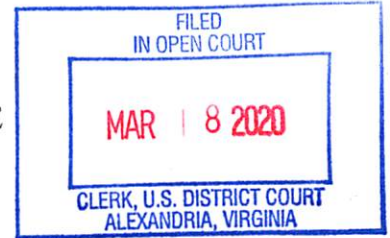


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA

v.

No. 1:19-cr-260-TSE-3

FREDY FABIAN ALFARO,
a/k/a "TITO,"

Defendant.

STATEMENT OF FACTS

The United States and the defendant, FREDY FABIAN ALFARO, also known as "TITO" (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. Beginning in and around January 2018, and continuing through in and around April 2018, in the Eastern District of Virginia and elsewhere, the defendant unlawfully, knowingly, and intentionally combined, conspired, confederated, and agreed with Michael Cooker, to unlawfully, knowingly, and intentionally distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. On or about April 17, 2018, defendant JIMMIE MARCEL MCCRAY and defendant CHARLES ANTHONY FORBES knowingly and intentionally joined this conspiracy.

2. On or about April 18, 2018, in Fairfax County, within the Eastern District of Virginia, co-defendants McCray and Forbes carried, used, brandished, and discharged a firearm, specifically a Smith & Wesson Military and Police Model, .38 Special revolver handgun, during and relation to the conspiracy to distribute marijuana, a drug trafficking crime for which he could be prosecuted in a court of the United States, under circumstances that it was reasonably

foreseeable to the defendant that death would occur in furtherance of the marijuana distribution conspiracy. FORBES did, in fact, shoot and kill Michael Cooker with that firearm, with malice aforethought, which was murder as defined in Title 18, United States Code, Section 1111, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and (j), and 2.

3. Beginning in and around January 2018, through in and around April 2018, the defendant, Cooker, and others were engaged in a conspiracy to distribute marijuana in the Eastern District of Virginia and elsewhere.

4. Specifically, the defendant and Cooker obtained marijuana from sources of supply in California. Thereafter, the defendant and Cooker shipped the marijuana from California to the Eastern District of Virginia, for resale. Cooker and other conspirators distributed marijuana in and around the Eastern District of Virginia.

5. At some point prior to April 15, 2018, the defendant and Cooker engaged in a dispute over their marijuana distribution conspiracy. Among other concerns, the defendant believed that Cooker was not working to further the conspiracy and was not handling the conspiracy's proceeds appropriately.

6. On April 15, 2018, Cooker returned to Virginia from California. The defendant remained in California.

7. On the night of April 17, 2018, from between approximately 10:46 p.m. and 11:45 p.m., Cooker sent a series of electronic messages from his cellular telephone to the defendant's cellular telephone regarding their dispute over the conspiracy.

8. A few hours later, from approximately 4:37 a.m. to 4:53 a.m. on the morning of April 18, 2018, the defendant engaged in two phone conversations with JIMMIE MARCEL MCCRAY, also known as "SLIM." In these conversations, the defendant offered MCCRAY

remuneration to physically harm Cooker. The defendant's motive in soliciting this harm to Cooker was his dispute with Cooker over their marijuana distribution conspiracy.

9. On the morning of April 18, 2018, defendant FORBES shot Cooker in Fairfax County, within the Eastern District of Virginia, causing Cooker's death.

10. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.


11. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

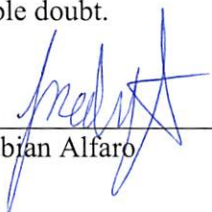
G. Zachary Terwilliger
United States Attorney

Date: March 13, 2020

By: _____

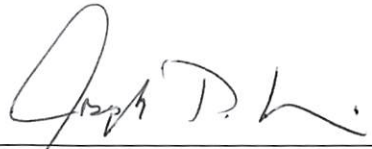

Michael P. Ben'Ary
Marc J. Birnbaum
Rachael Tucker
Counsel for the United States of America

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, Fredy Fabian Alfaro, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



Fredy Fabian Alfaro

We are Joseph King and Dwight Crawley, the defendant's attorneys. We have carefully reviewed the above Statement of Facts with him. To our knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Joseph King, Esq.
Dwight Crawley, Esq.
Attorneys for Fabian Fredy Alfaro